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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,603	02/21/2001	Elin R. Pedersen	CQ10184	4550
23493 7590 01/17/2008 SUGHRUE MION, PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037			EXAMINER ZHOU, TING	
			ART UNIT 2173	PAPER NUMBER
			MAIL DATE 01/17/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/788,603

Applicant(s)

PEDERSEN ET AL.

Examiner

Ting Zhou

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,4-11,13-20 and 22-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-11,13-20 and 22-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The Request for Continued Examination (RCE) filed on 3 December 2007 under 37 CFR 1.53(d) based on parent Application No. 09/788,603 is acceptable and a RCE has been established. An action on the RCE follows.

2. The amendments filed on 3 December 2007, submitted with the filing of the RCE have been received and entered. The applicant has cancelled claim 3 and added new claims 26-29. Claims 1, 4-11, 13-20 and 22-29 as amended are pending in the application.

### ***Claim Objections***

3. Claim 26 is objected to because of the following informalities: The preamble of claim 26 fails to include wording such as “comprising”, “consisting of”, etc. to include the rest of the claimed limitations. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3-4, 9-11, 13, 18-20 and 22-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Pinard U.S. Patent 5,898,432.

Referring to claims 1 and 11, Pinard teaches a method and system comprising a memory that stores associations between at least one activity stream and at least one representation element, the activity stream based on an activity beyond a perception of a user (for example, associating the activity stream of a received electronic mail message with the displayed appearance of a mail message cursor icon 25 shown in Figure 4) (column 1, lines 52-67 and column 4, lines 11-16); at least one synthesizer circuit, synthesizing a human sensible attribute of at least one representation element responsive to changes in the at the least one activity stream and the stored associations (synthesizing the displayed cursor icon based on changes; for example, the displayed cursor icon can be modified to a fax cursor icon in order to indicate changes in the activity stream, such as arrival of a new fax) (column 4, lines 11-16); determining a focus of attention of the user (user's focus of attention is determined by the position of the cursor) (column 1, lines 52-63); selecting at least one of the at least one representation elements at a periphery of the focus of attention (displaying the icon at the periphery of the cursor, which is the current focus of attention, i.e. attaching the icon to the cursor, as shown by Figures 2-5) (column 3, lines 57-61) and presenting the synthesized human sensible attribute using the selected at least one representation element to the user (the position of the cursor changes according to user movement and represents the user's focus of attention; upon the arrival of a new mail, the displayed appearance of the cursor representing the user's focus of attention is changed to be presented as a mail icon) (column 1, line 52-column 2, line 9); wherein varying portions of a graphical user interface associated with the at least one

representation element are being used in informing the user of the changes in the at least one activity stream (different representation elements, i.e. the mail icon, fax icon, telephone icon, etc. are displayed on varying portions of the graphical user interface, i.e. as the user moves the cursor around on the screen, in order to inform the user of changes in the activity stream, i.e. the arrival of new mail, new fax, new call, etc.) (column 1, line 52-column 2, line 9 and column 3, line 33 – column 4, line 27).

Referring to claims 4 and 13, Pinard teaches wherein the activity stream is information including external sensor information (alerts that are sensed from external devices such as telephones can be used to notify the user of important information, i.e. arrival of an incoming call) (column 2, lines 17-19 and column 3, line 62 – column 4, line 27).

Referring to claims 9 and 18, Pinard teaches the human-sensible attribute is a display attribute (display of an icon) (Figures 2-5).

Referring to claims 10 and 19, Pinard teaches the display attribute includes at least one of a text characteristic, a window characteristic, a desktop characteristic (displaying icons on the desktop) (Figures 2-5).

Referring to claim 20, Pinard teaches determining a users focus of attention by actively sensing the user's focus of attention (user's focus of attention is sensed by the position of the cursor) (column 3, lines 33-40).

Referring to claims 22-23, Pinard teaches wherein the activity is at least one of a scheduled event approaching and sensor values changing (sensing the activity of a change in the message sent by the application program; for example, when the change of arrival

of an email is detected, the icon is correspondingly changed) (column 1, line 52-column 2, line 9 and column 3, line 33 – column 4, line 27).

Referring to claims 24-25, Pinard teaches wherein the activity stream comprises information including at least one of external sensor information, telephone information, broadcast news information and pager information (alerts that are sensed from external devices such as telephones can be used to notify the user of important information, i.e. arrival of an incoming call) (column 2, lines 17-19 and column 3, line 62 – column 4, line 27).

Referring to claim 26, Pinard teaches a method comprising determining the focus of attention of the user (user's focus of attention is determined by the position of the cursor) (column 1, lines 52-63); detecting a change in an activity stream (synthesizing the displayed cursor icon based on changes; for example, the displayed cursor icon can be modified to a fax cursor icon in order to indicate changes in the activity stream, such as arrival of a new fax) (column 4, lines 11-16), the activity stream occurring outside of perception of the user (for example, associating the activity stream of a received electronic mail message with the displayed appearance of a mail message cursor icon 25 shown in Figure 4) (column 1, lines 52-67 and column 4, lines 11-16); determining a representation element associated with the activity stream, the representation element having human sensible attributes (the cursor is modified to display a representation element, i.e. a fax icon associated with the arrival of a new fax) (column 4, lines 11-16); and changing the human sensible attributes responsive to the change in the activity stream (different representation elements, i.e. the mail icon, fax icon, telephone icon, etc. are displayed in order to inform the user of changes in the activity stream, i.e. the arrival of new mail, new

fax, new call, etc.) (column 1, line 52-column 2, line 9 and column 3, line 33 – column 4, line 27), wherein the changing of the human sensible attributes is adapted to be sensed by the user in the periphery of attention of the user (displaying the icon at the periphery of the cursor, which is the current focus of attention, i.e. attaching the icon to the cursor, as shown by Figures 2-5) (column 3, lines 57-61).

Referring to claim 27, Pinard teaches wherein the human sensible attributes are selected from vision, sound, touch, taste and smell (displaying the icons on the screen) (Figures 2-5).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-8 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinard U.S. Patent 5,898,432, as applied to claims 1 and 11 above, and Tavori U.S. Patent 5,724,025.

Referring to claims 5 and 14, Pinard fails to teach that the human-sensible attribute is synthesized based on a selected range. Tavori teach a computer with a graphical display for displaying monitored information similar to that of Pinard. In addition, Tavori further teaches wherein the human-sensible attribute is synthesized

based on a selected range (a human-sensible attribute such as an alarm may be set off based on a range, i.e. upper and lower limit set points) (Tavori: column 2, line 46-column 3, line 15). It would have been obvious to one of ordinary skill in the art, having the teachings of Pinard and Tavori before him at the time the invention was made, to modify the user interface for synthesizing the human-sensible attribute of Pinard to include the use of a selected range taught by Tavori. One would have been motivated to make such a combination in order to provide standardized/set limits and guidelines for when alerts should be presented to the user; the combination further allows the interface to be used for medical purposes facilitating the monitoring and displaying of measured patient information, allowing fast and accurate diagnosis of the patient and allowing immediate alerts of medical emergencies when alarmed conditions occur.

Referring to claims 6 and 15, Pinard, as modified, teach wherein the human-sensible attribute is synthesized based on values outside a selected range (the human-sensible attribute of the alarm is set off when the monitored data exceeds, i.e. is outside of the set limits) (Tavori: column 2, line 46-column 3, line 15).

Referring to claims 7 and 16, Pinard, as modified, teach wherein the at least one activity stream has a value outside a predicted range of values (the monitored activity streams of the user's vital signs can exceed the set limits, setting off the alarm) (Tavori: column 2, line 46-column 3, line 15).

Referring to claims 8 and 17, Pinard, as modified, teach determining the predicted range of values based on monitoring at least one of the at least one activity stream



(monitoring activity streams such as the user's vital signs to determine whether the monitored values exceed a set range) (Tavori: column 2, line 46-column 3, line 15).

6. Claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinard U.S. Patent 5,898,432, as applied to claim 26 above, and Ferrel et al. U.S. Patent 5,860,073 (hereinafter "Ferrel").

Referring to claim 28, although Pinard teaches changing the human sensible attributes, Pinard fails to explicitly applying a dynamic stylesheet to the representation element. Ferrel teaches a method for changing the display of an object similar to that of Pinard. In addition, Ferrel further teaches applying a dynamic stylesheet to the representation element (the objects displayed in a document can be modified to be displayed differently) (Ferrel: column 3, lines 8-15 and column 27, lines 52-55). It would have been obvious to one of ordinary skill in the art, having the teachings of Pinard and Ferrel before him at the time the invention was made, to modify the changing of the human sensible attributes of a displayed object of Pinard to include the changing of attributes of objects via dynamic stylesheets, as taught by Ferrel. One would have been motivated to make such a combination in order to allow fast and efficient delivery of a plurality of formatting information to displayed elements.

Referring to claim 29, Pinard, as modified, teach authoring the dynamic stylesheet (Ferrel: column 3, lines 45-53) including obtaining a selected activity stream from among a plurality of activity streams (displaying a selected activity stream, such as the arrival of a new mail, among a plurality of activities, including fax, telephone, etc.) (Pinard:

column 1, line 52-column 2, line 9 and column 3, line 33 – column 4, line 27); and specifying variations to the human sensible attributes of the representation element responsive to changes in the selected activity stream (different representation elements, i.e. the mail icon, fax icon, telephone icon, etc. are displayed in order to inform the user of changes in the activity stream, i.e. the arrival of new mail, new fax, new call, etc.) (Pinard: column 1, line 52-column 2, line 9 and column 3, line 33 – column 4, line 27), wherein the variations in the human sensible attributes indicate, unobtrusively to the user, the changes in the selected activity (displaying the icon at the periphery of the cursor, which is the current focus of attention, i.e. attaching the icon to the cursor, as shown by Figures 2-5) (Pinard: column 3, lines 57-61).

### ***Response to Arguments***

7. Applicant's arguments filed 12/03/07 have been fully considered but they are not persuasive: The applicant argues that Pinard does not teach that the selected representation element is at the periphery of the user's focus of attention because Pinard states that "It is important to recognize that the user positions the cursor at a location where the user's attention is focused", and the examiner's analysis of the user's focus of attention and periphery with regard to the Pinard reference is contradictory. The examiner respectfully disagrees. Pinard teaches that the user's focus of attention is determined by the positions of the cursor (column 1, lines 52-63); in other words, the user's focus of attention is the cursor itself. Pinard further teaches, in column 3, lines 57-59, that the cursor can be attached with an icon (the cursor itself changes to include an icon); therefore, since the user's focus of attention is the cursor itself, the icon attached to

the cursor is at the periphery of the user's focus of attention (periphery being defined as something that is on the edge

[http://www.google.com/search?sourceid=navclient&aq=t&ie=UTF-](http://www.google.com/search?sourceid=navclient&aq=t&ie=UTF-8&rls=GGLD,GGLD:2004-30,GGLD:en&q=define%3a+periphery)

[8&rls=GGLD,GGLD:2004-30,GGLD:en&q=define%3a+periphery](http://www.google.com/search?sourceid=navclient&aq=t&ie=UTF-8&rls=GGLD,GGLD:2004-30,GGLD:en&q=define%3a+periphery)). In view of the above limitations, the examiner respectfully maintains that Pinard teaches the subject limitations.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The examiner can normally be reached on Monday - Friday 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number:  
09/788,603  
Art Unit: 2173

Page 11

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Primary Examiner